

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:23-cr-00008-MR-WCM**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
BRANDON KEITH HARDY,)	
)	
Defendant.)	
<hr/>)	

THIS MATTER is before the Court on a motion filed by Gail D. Hardy on behalf of the Defendant Brandon Keith Hardy. [Doc. 50].

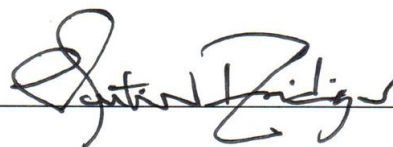
The present motion before the Court was filed by Gail D. Hardy, the Defendant's mother, who also claims to hold a power of attorney for the Defendant. Ms. Hardy requests that all charges against the Defendant "be dropped and the case dismissed." [Doc. 50 at 4].

To the extent that Ms. Hardy is attempting to appear in this matter on the Defendant's behalf, this motion must be denied. Appearances in federal court are governed by 28 U.S.C. § 1654, which permits parties "[i]n all of the Courts of the United States ... [to] plead and conduct their own cases personally or by counsel...." 28 U.S.C. § 1654. This section, which codifies

the Sixth Amendment's right to counsel, allows a litigant a choice between representation by counsel and self-representation. See Faretta v. California, 422 U.S. 834 (1975). The term “counsel” as used in this context, however, refers only to an individual authorized to practice law. See United States v. Irwin, 561 F.2d 198, 200 (10th Cir. 1977). The right to assistance of counsel does not include the right to representation by a person unlicensed to practice law. United States v. Taylor, 569 F.2d 448, 451 (7th Cir. 1978); see also United States v. Martin, 790 F.2d 1215, 1218 (5th Cir. 1986) (holding that the defendant had no right to be represented by non-lawyer); United States v. Wilhelm, 570 F.2d 461, 465 (3d Cir. 1978) (rejecting contention that defendant had constitutional right “to be represented by a friend who is neither a law school graduate nor a member of the bar”). The fact that Ms. Hardy may hold a power of attorney for the Defendant does not permit her to represent the Defendant in this matter. See Myers v. AT&T Corp., No. 2:13-cv-1432-RMG, 2013 WL 4823282, at *2 (D.S.C. Sept. 9, 2013).

IT IS, THEREFORE, ORDERED that the motion filed by Gail D. Hardy on behalf of the Defendant ~~Brandon Keith Hardy~~ [Doc. 50] is **DENIED**.

IT IS SO ORDERED.



Martin Reidinger
Chief United States District Judge

